

REMARKS

Claims 43-45, 47, and 48 remain in the application. Claims 43 and 47 are in independent form.

Restriction to one of the following groups was required under 35 U.S.C. § 121:

- Claims 43-45, 47, and 48, drawn to an apparatus, classified in class 435, subclass 288.7.
- Claim 46, drawn to a method for screening pharmacological agents, classified in class 435, subclass 7.23.
- Claim 49, drawn to a method for screening pharmacological agents, classified in class 435, subclass 7.23.

Applicants provisionally elect Group I, claims 43-45, 47, and 48, for prosecution purposes, with traverse. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All of the groups of claims relate to methods and apparatuses for screening pharmacological agents and mover over all are classified in the same class, 435. Since there is a great amount of cross-classification amongst the sub-classes in this class, it is respectfully submitted that examination of al the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traverse the restriction requirement. Applicants hereby conditionally withdraw claims 46 and 49 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



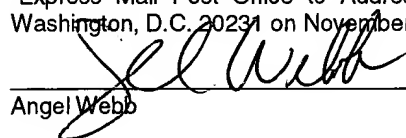
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Angel Webb

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

43. (Amended) A[n apparatus] pharmaceutical screen for screening pharmacological agents for agents [which] that impact [induce regression of cancer] a biological tissue, said [apparatus] screen comprising:

an evanescent sensing device;

at least one sensor having affixed to its surface molecules of a first type, which have affinity for molecules of a biological receptor[, the surface molecule and receptor molecule combination having the effect that, *in vivo*, the binding affects the rate of transcription of gene products]; and

a molecular tag wherein said molecular tag is bound to said sensor wherein the binding between molecules of the first type and molecules of biological receptor cause the tag to produce an alteration in signal recorded by said evanescent sensing device, said tag also being bound to molecules of a second type, said molecules of second type having affinity for said receptor molecules.

47. (Amended) A[n apparatus] pharmaceutical screen for screening pharmacological agents for agents [which] that impact [induce regression of cancer] a biological tissue, said [apparatus] screen comprising:

an evanescent sensing device;

at least one sensor having affixed to its surface molecules of a first type, which have affinity for molecules of a biological receptor[, the surface molecule and receptor molecule combination having the effect that, *in vivo*, the binding affects the rate of transcription of gene products]; and

a molecular tag which produces an alteration in signal recorded by said evanescent sensing device upon the binding between molecules of the first type and molecules of biological receptor, said tag also being associated with molecules of the first type.